

Abundant, affordable energy stimulates economic growth. Fluctuating energy prices have cost America many jobs in the last 3 years. The manufacturing sector has experienced over the past 2 years consecutive job losses, having lost over 2 million jobs. The National Manufacturing Association said that it has been caused in significant part to energy price spikes in 2000.

During the winter of 2000 and 2001, natural gas prices skyrocketed. Curtailments became common in the Northeast and in the upper Midwest. Skyrocketing natural gas prices of last winter went even higher than 2 years ago. Now many companies that have tried to secure this gas are shutting down simply because they can't afford to blend it into their stream. They can't afford the costs, and their product produced by it becomes non-competitive. As a result, significant job loss has occurred.

The U.S. chemical, plastics, and fertilizer industries have been among the hardest hit, largely due to their dependency on affordable natural gas in the face of fierce international competition.

Electric utilities continue to build natural gas generation. Houses continue to be built and are plugged into the gas lines.

The Energy bill we are working on will both save jobs and create jobs by bringing affordable natural gas out of Alaska. The Presiding Officer certainly knows about this. Some 35 trillion cubic feet of natural gas can be brought to the lower 48 States. That and the construction of that pipeline could well create over 400,000 jobs. Federal royalties could flow from it at \$48 billion, a new Federal revenue to reduce our deficit and again create jobs.

The Energy bill we are completing in conference calls for the investment of hundreds of millions of dollars in research and development in new energy technologies. This investment creates new jobs in engineering, math, chemistry, physics, science, and all related fields are tied into this kind of investment, this kind of development.

The bill increases America's stake in nuclear energy, encouraging the construction of a Federal advanced nuclear reactor for the production of electricity and hydrogen and new technology, driving that industry forward and, once again, allowing America to lead the world in this kind of technology, this kind of advancement: Clean, manageable, safe forms of electrical production.

Our bill will facilitate the expansion and the modernization of our national electrical grid. It will create additional opportunities for investments in pipelines and transmission lines and encourage the private investment in electricity transmission—all this creating more jobs.

The Energy bill will provide \$2 billion in investment and clean coal technology, creating engineering and research jobs. The investment also pro-

tections existing coal mining jobs and processing jobs to ensure the longevity of the American coal industry.

We protect jobs in the gas and oil industry by encouraging deep well exploration of oil and natural gas at a time when domestic oil production is dropping and that level of production is flat.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. CRAIG. I will proceed for 1 more minute.

By stimulating our production of oil and gas, we not only produce the energy necessary to fuel our economy, we not only protect tens of thousands of jobs, but we will create abundant new jobs.

Lastly, we had Federal Reserve Chairman Alan Greenspan, who spoke before the Energy Committee, both of the House and the Senate, and he said:

It is essential that we do not lose sight of the policies needed to ensure long-term economic growth. One of the most important objectives of these policies should be an assured availability of energy . . . Developments in energy markets will remain central in determining the longer run health of our nation's economy.

We all understand that. Now is the opportunity and the time to finalize a national energy policy, to pass it out of the Congress and put it on our President's desk. It is our future. It is one of the greatest job creators on which the Senate will ever vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### THE ECONOMY

Mr. SMITH. Madam President, along with my colleague from the State of Idaho, I will talk in morning business about the economy. We have heard for 2½, nearly 3 years of the Bush Presidency that President Bush is responsible for the economic downturn. Little is said about the economic facts that existed when he took his oath of office; specifically, that the economy was in a tailspin, that Wall Street had lost at least \$7 trillion of equities, and unemployment was rising dramatically.

Indeed, President Bush inherited a situation that was not of his making and frankly not even of President Clinton's making, because we had witnessed the bursting of a stock market bubble and the dashing of hopes of tens of thousands of pensioners all over this country.

It is a fact of political life that politicians are given too much credit and too much blame for the natural, immutable cycles of a free market economy. The latest casualty in this judgment on politicians is probably Governor Gray Davis of California. I remember during the heydays, the bubble days, California was held up as the miracle model and Governor Davis was hailed as a hero. He accepted the credit.

I heard, with some pain, frankly, the other day when he acknowledged how

much economic trouble they were in and that he had gotten too much credit for the good times and now was getting too much blame for the bad times. Guess what. Governor Davis was right. The truth of the matter is we in public life do not control a free market economy, and if we ever do, we will have a socialist economy which will ill serve the American people.

Before I came to this Chamber, I ran a business. On a seasonal basis, we employed as many as 1,200 people. During the Reagan years, they were boom years; they were wonderful years. In trying to expand my business, I always remembered the factors that helped me make a decision whether to invest in a new piece of equipment or to acquire another plant. It had little to do with who the President of the United States was. It had little to do with the fact that I was proud that Ronald Reagan was my President.

Two of the factors Government did have an impact upon, beyond regulation, were interest rates, which are controlled by the Federal Reserve, and taxes, which are controlled by the Congress and the President.

In those days, taxes were coming down, interest rates were falling, and the American economy was booming. Then during the Clinton years, there was a business correction under President Bush. As President Clinton took his oath of office, the American economy again boomed with productivity and prosperity, and President Clinton was great to take credit for the conditions of our free market economy but wanted nothing to do with its collapse as he left the Presidency. Again, too much credit, too much blame, for President Clinton and President Bush.

As I listen to those who aspire to the Presidency to replace our current President, I hear them speak of the Bush economy in the most derisive of terms, but I wonder how they are beginning to factor in all the good news that is beginning to come out about the American economy, as the immutable cycles of supply and demand, the falling of tax rates, the falling of interest rates, are beginning to show up in the lives of the American people. How will they deal with the fact that consumption has been rising and topped 12 percent on an annual rate last month, and that has the potential to translate into economic growth, GDP, of 6 percent? I suspect it will probably top out somewhere around 4 percent, but that is a very healthy economy. How will they deal with the fact that jobless claims are falling, and quickly, in many parts of our country? In fact, jobless claims are now lower than they were in February.

More good news: production in our Nation's factories has increased, not decreased. Home-building starts are now at record levels. Over 1.9 million new homes on an annual basis are on the books now and being built as we speak. This is the second highest level of home building in 17 years.

I believe consumers understand that things are improving and there is reason to feel that once again morning is coming to America and good days are ahead. But we can yet do more. I think we can do that in the FSC bill that has gone through our Finance Committee and is now in a conference committee. It contains a feature I helped get into the bill, as a most important provision, called repatriation. This is a provision that will bring at least \$300 billion of new investment in the next year into the United States. What does it mean to companies in Oregon such as Nike, Intel, and Hewlett-Packard, which are our biggest employers? It means they can bring these foreign profits back for investment in American jobs.

Some say it is not good tax policy. Some say it is not fair. I say, do we want the jobs or do we not? If one wants to understand what this means in very real human terms to this country, recently Dr. Allen Sinai completed a study on what repatriation would mean to this country. He said it would mean up to 650,000 additional jobs created in the first 2 years. He said \$70 billion of the deficit would be eliminated. He said that increased GDP could be enhanced by 7 to 9 percent by 2005. He also said business capital spending, primarily of equipment, could peak at \$75 billion by 2005. We can do more and Government should do what it can. It cannot control the cycles of supply and demand, but we can keep downward pressure on interest rates. We can keep downward pressure on taxes. We can keep rules and regulations reasonable and we can allow the genius of the American people to be manifested again in a free market economy.

Finally, I think it is very important to note that our friends on the other side who say the key to American prosperity is to invest in public things, in public investments, are right at the margins, but they are not right at the center. What makes America work is entrepreneurial spirit with the right environment to invest to produce quality products we can afford, and to provide a service that makes us happy.

Ultimately, those who come with great jobs bills of public works—if that really could make an economy hum, then Japan would be leading the world and many European countries would be leading the world because they have fallen for this short-term, sugar-coated candy that says the government can do it, private industry does not need to do it, and it can be done through public works. If that were true, then the New Deal would have ended the Great Depression, but it did not. World War II did.

If that were true, then Japan and Europe would be leading the economies of the world instead of waiting for the American free market economy to begin taking off again.

In conclusion, I think the good news is the American economy is beginning to hum again. For that, I am very thankful.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Madam President, I will take the remainder of our time to talk a little bit about jobs, an issue that has been highest on our agenda on this side of the aisle for a good long time, and continues to be. First, I have to react a little bit to some of the comments that were made earlier about moving forward. I am very frustrated that each bill brought to this floor is slowed down either by objection or by a week's discussion and debate of amendments. Of course, everyone is entitled to offer amendments. But when you have to stay with a bill that is fairly simple and be there for a week and a half and then complain about not getting our jobs done, that is sort of ironic.

Obviously, we have at least four things that need to be done in the next several weeks. We have to continue the supplemental bill to pay for our Armed Forces in Iraq as well as to get Iraq in a position to allow us to leave and take care of themselves.

We do have appropriations left. We have six that are not done yet. So we do have to worry about that and move forward.

We have the opportunity to do something with health care, particularly pharmaceuticals and Medicare, and we are in a position to do that.

We also have an opportunity to do more with energy than we have done for a very long time. I recall, having been on the Energy Committee both this year and last year, when we were in conference. We had a conference last year, you recall, and never succeeded in getting the bill finished.

So we have some real challenges. Frankly, I have become surprised at the kind of reaction we get off the floor, that almost every issue is designed to be critical of the Bush administration. What we ought to be doing is doing our job, to do the things that need to be done and that are pending for us to do and that we can do and will do some great things for the country.

I would like to talk a little about jobs. Of course they are most important to all of us. There are some good signs in the job market. The Labor Department reported on October 3 that employment rose by 57,000 last month, the first increase since January. The unemployment rate held steady. So we seem to be having some signs of getting that job situation back where we would like it to be.

We have had on our agenda a list of things that are designed to help create jobs and, as the Senator from Oregon indicated, the economy is what creates jobs—not the Government. But we can do things that help stimulate the economy which cause job growth.

One of them that is most important, and that has already been talked about by my friend from Idaho, an issue that is very important to me, is energy se-

curity, the Energy bill. Energy security for this country means job security and the creation of jobs.

The comprehensive Energy bill we are talking about here has been scored to have about 700,000 jobs that could be accentuated and could be encouraged by the passage of this bill. Many of the jobs will come from construction. Some have to do with the possibility of a pipeline in Alaska. Others have to do with domestic production.

Of course, energy has a great deal to do with our whole business community, our whole business interest. Everyone relies on available and affordable energy. Certainly one of the things we have to continue to recall is we have become almost 60-percent dependent on foreign oil. We need to do something about that. We have seen our gas supply in great demand and the prices rise while at the same time we have resources of gas that can be made available. We need to encourage that development.

We have an Energy bill that is quite balanced, it seems to me. We talk about research that will make coal more clean so we can use the coal, which is our largest fossil resource that we have available to us for electricity.

We have renewables in there. We will continue to work on electric energy created by wind and make that more efficient. We have some things in there for conservation. We can make better use of our energy and certainly that ought to be important to us as well.

In addition to that, and perhaps more important in the short term, is to increase domestic production. To do that, one of the opportunities is to make it economically possible for those who are developing it through some tax changes. Those seem to be held up now. We are hopeful we can move forward and get that job done. It is available for us to do immediately—this week, next week. We can get this done for the first time in a number of years.

There are other items on the agenda that have to do with jobs. There is tort reform, asbestos litigation reform—which is available now to come to the floor. There are different views about that, of course. There is nothing wrong with that. But the fact is that would create new jobs by allowing companies to divert some of their dollars from litigation toward new investment, which creates jobs. The litigation defense costs are tied directly to offset expenditures relating to 138,000 jobs that could be replaced if we can do something about those distortions in the economy.

Class action reform is here. In fact, we are going to vote on the opportunity to proceed with it tomorrow because it has been stopped by the other side of the aisle. Here again, class action litigation causes a good deal of confusion and uncertainty about the marketplace. Industries do not know whether their money is going to be

available for expansion and investment or whether it is going to have to be saved for payments on those things.

We have the workforce investment reauthorization. This will improve job training by focusing on core skills and encouraging effective cooperation among job training partners so people will be better prepared to take on the jobs that are available. Certainly what is happening in this economy is it is a more high-tech economy and more training is needed.

We have the Foreign Competitiveness Act, which we are dealing with now in the Finance Committee, where the tax situation we have now has caused a WTO objection. But we can change that so it does fit into our foreign trade operation and at the same time continue to create more jobs and to have businesses do better.

The Small Business Administration bill is there. That would help ensure that SBA programs will continue to provide products and services essential for small businesses. That is where most of our jobs are, particularly in a State such as mine, Wyoming. Almost all of our jobs are small businesses. So the SBA bill is certainly extremely important.

The Homeland Investment Act is pending, too. That allows the Internal Revenue Code to change with the objective of encouraging reinvestment of foreign earnings in this country. You would be surprised at the amount of money that is involved, if we allowed companies that do some of their work overseas to take some of their profits home with a reasonable tax payment, and we would have more money for investment.

So we have a lot of things to do. We have some great opportunities. Jobs certainly has to be the priority for all of us. The stock market is great. We love to see that grow up. But the fact is, jobs are the key to our success. We want to continue to improve there.

Finally, let me say quickly that I certainly hope we can come out of the committee and finish our work on the supplemental to supply funding for our Armed Forces overseas and to do something in Iraq so we can move ahead.

I had the occasion to be in Iraq and Afghanistan a week ago for a week. Certainly it was an interesting situation. There is a little different view there than what you hear from here. Certainly our troops have done an outstanding job, and continue to do an outstanding job not only on the war, not only on terrorism, but also helping to rebuild. We, obviously, have some continuing problems there with terrorism and that has to be handled, but we are moving toward having the Iraqis and their own police force moving into that.

But my point is, I hope we can get over there and put Iraq more quickly in a position to take care of themselves so we can bring our troops home. In terms of overall expenditure, that of course would be our greatest saving.

I yield the floor and yield back the remaining time we have in morning business.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### PARTIAL-BIRTH ABORTION BAN ACT OF 2003—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany S. 3. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, having met, have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The Conference Report was printed in the House proceedings of September 30, 2003.)

The PRESIDING OFFICER. Under the previous order, there will be up to 4 hours for debate equally divided between the majority leader or his designee and the Senator from California or her designee.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I would like to enter into a time agreement for the first portion of the time allotted in this debate. I ask unanimous consent I be given the first 20 minutes until 11 o'clock; following that, the Senator from California be recognized for 20 minutes; following the Senator from California, the Senator from Alabama, Mr. SESSIONS, be recognized for 10 minutes; following the Senator from Alabama, the Senator from Kansas, Mr. BROWNBACK, be recognized for 20 minutes; following Senator BROWNBACK, the Senator from California would then be recognized for 30 minutes. We will stop there and go from that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have a question. That would take Senator BROWNBACK until 11:40 or 11:45?

Mr. SANTORUM. To 11:50, and the Senator from California would have until 12:20.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, we are here today on the verge of something the United States has done on two previous occasions; that is, pass a conference report to ban a partial-birth abortion procedure to be done in the United States of America. The only difference this time is we have a Presi-

dent who has said he is willing to sign this legislation. This is a very important day for this country and for those babies who would be the object of this brutal procedure. Having it banned in the United States of America is a historic event and a step forward in human rights for this country.

We have overcome two Presidential vetoes but now have a President who will sign this legislation.

The other thing that stopped this legislation from moving forward and becoming law was the United States Supreme Court decision in the Nebraska partial-birth abortion case. We have addressed those issues. There were two issues the court cited as its reason—in a 5-to-4 decision—for finding the Nebraska partial-birth abortion statute unconstitutional.

Those two reasons were, No. 1, that the statute was vague. We have amended the language of this statute to make sure that the description of a partial-birth abortion is clear to include only those types of abortions and not other late-term abortion procedures, which was the concern of the court. We did so by a couple of things, but the most essential part was that the court found that the prior description could have included other forms of abortion because during other types of late-term abortion procedures there may be a portion of the baby's body that at some point during the abortion procedure may come outside of the mother.

As a result of that, this could have been broadly construed to abolish those procedures, also.

In our language we are very clear. We say that the term "partial-birth abortion" means an abortion which the person performing the abortion:

(A) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, [all new language] the entire fetal head is outside of the body of the mother, or, in the case of breech presentation, [that is, feet first] any part of the fetal trunk past the navel is outside of the body of the mother . . .

Now, that specificity of talking about the way in which the child is delivered and then killed is fundamentally different than anything we had before. All we said before was that some portion of a living, intact fetus must be outside of the mother. That, the court found, was a little too vague for them. It could have included other types of abortions. So we are being very clear. There is no other abortion procedure which the entire fetal head would be presented with the child still being alive out of the mother, or the child would be delivered all but the head at this point and then be killed. There can be no confusion as to what procedure we are talking about in this case.

We believe with the language we have put in this bill we have now solved the constitutional problem of vagueness.

The second issue is the issue of women's health. We have a substantial section of findings in this legislation.